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10/590,466

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,466	Applicant(s) ALI-VEHMAS, TIMO	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed 10/05/09 has been carefully considered and has been entered.

Claims pending: 1-33 with claims 1, 15, 27, 30 and 32-33 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4, 7-9, 13-16, 18-21, 24, 27 and 29-33 are rejected under 35 USC 102(b) as being anticipated by Kleier (US Pub 2002/0009990):**

Claims 1, 15, 24, 27, 30, 32 and 33, Kleier teaches a method a memory, a mobile terminal, a storage medium, and apparatus comprising,

-drawing up a summons to a meeting in a mobile terminal of a convener of a conference call between three or more participants that form a group of participants using respective mobile terminals operating in a wireless network, to arrange a conference call **(Abstract)**

- sending, by the mobile terminal of the convener, the summons to the meeting from the mobile terminal of the convener to all members of the group of participants **((fig. 9 shows the invitation is sent to each user in D2 WAP Group call),**

- receiving, by the mobile terminal of the convener, calls from two or more of the participants in the mobile terminal and joining them to the conference call automatically (*i.e., The mobile radio network 2 sends invitations (according to FIG. 7) (by mobile radio) to the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference. If subscribers 3-6 of the list accept the invitation (or without invitation and automatically), they are connected to the telephone conference circuit by the mobile radio network 2, pars. 0032-35).*

As to claim 2, Kleier teaches the summons to the meeting is drawn up before the group of participants is formed. (*Before or during the setting-up of the connection, an enquiry is preferably placed with participants whether the invitation to the conference connection is accepted, par. 0007. This indicates that the invitation is formed and the group is also regardless the order of being formed).*

As to claims 3, 16 and 31, Kleier teaches the group of participants is formed by selecting the participants from a list saved in a memory of a mobile terminal and/or by manually inputting the contact information of the participants (*i.e., the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference, par. 0032; Or the list can be stored in the mobile radio network, in the mobile terminal or in a SIM card, par. 0028).*

the contact information comprising at least one of telephone numbers, e-mail addresses (*par. 0034*), and Session Initiation Protocol addresses.

As to claim 4, Kleier teaches a method that the group of participants is given a name and the formed group is saved in a memory of the mobile terminal of the convener for later use (*In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025*).

As to claims 7 and 19, Kleier teaches a method that the summons to the meeting is formed as a character string composed of ASCII characters (*see figs. 7 and 9, the characters used are the ASCII*).

As to claims 8 and 20, Kleier teaches that the summons to the meeting is sent to all members of the group of participants as a text message (*i.e., transmits a message (for example SMS PtP short message or WAP Deck/WAP Card) to the participants in the list for this group, par. 0006*).

As to claims 9 and 21, Kleier teaches that the summons to the meeting is sent to all members of the group of participants as an e-mail message (*the invited participants can be checked via various telecommunication identities, especially telephone numbers, e-mail addresses etc., par. 0034*).

As to claims 13-14, Kleier teaches the convener of the conference call is given a notification by the mobile terminal of the convener when a new participant has been joined to the conference call. Furthermore, the notification is given with an acoustic signal or a recorded voice message (*par. 0030*).

As to claim 18, Kleier teaches the memory wherein the actions further comprise starting the application from a menu of the mobile terminal (*In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal. If item 4 in FIG. 1 is selected (for example by pressing key 4 on the mobile terminal), the menu according to FIG. 2 is displayed, par. 0025).*

As to claim 29, Kleier teaches a mobile terminal configured to start the application from a menu of the mobile terminal (*fig. 1 and pars. 0024-0026*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 10-12, 17, 22-23, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier (US Pub 2002/0009990) in view of Wu (Pat 6,275,575).**

As to claims 10 and 22, Kleier does not specifically that in connection with

drawing up the summons to the meeting, a connection is opened to a calendar application in the mobile terminal of the convener and a reservation of time is made in the calendar application.

Wu teaches the meeting is setup in conjunction with calendar 432 (*fig. 4B*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of setting a calendar as a guide of date and time for the call so that the convener can quickly form the summons.

As to claim 11, Kleier does not specifically teach that the summons to the meeting is saved in a memory of the mobile terminal for later use.

Wu teaches the similar manner (*fig. 8 shows step 810 forwarding the invitation, then the invitation being saved. Upon completion of processing, a determination is made at 810 as to whether the coordinator wishes to forward the invitations to the selected participants. If the coordinator decides in the affirmative then the invitations are forwarded at 812. At 814 a determination is made as to whether the generated telephone conference profile information should be saved. At 816 telephone conference profile information to be saved is provided with an identifier and the process is concluded, col. 10, lines 19-26*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of utilizing the memory feature in a mobile device where it can save literally any activities once used for the future use.

As to claims 12 and 25, Kleier teaches the names of the group of participants are saved in the memory of the mobile terminal (*fig. 1*). Kleier does not specifically teach the duration of the conference call.

Wu teaches that “*screen display 510 provides descriptive information, the proposed primary and secondary start times and the conference’s estimated duration, fig. 5B and col. 9, lines 52-54*”.

As to claims 17 and 28, Kleier teaches the actions further comprise starting the application (*the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as “beer” or “basketball”. The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025*).

Kleier does not specifically teach “a starting icon produced on a display of a mobile terminal”. Wu teaches the icons on the display (*see figs. 4A-C*) for the purpose of promptly providing a visually interactive choice for the participants.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of maximizing the most use of every feature available for the mobile user.

6. Claims 5-6 and 23 - 24 are rejected under 35 U.S.C. 103(a) as being obvious over Kleier (US Pub 2002/0009990).

As to claims 5-6, Kleier teaches a method that the time of the conference call and other information concerning the conference call is given in the summons to the meeting (*see figs. 7 and 9, showing name of the participant, the conference number with options of "reject" or "accept". It is also obvious that time and all the associated information is part of the invitation*).

It is also obvious that agenda is always an element of the summons in order for participants to prepare for the meeting.

As to claim 23 and 26, Kleier does not specifically teach separating the received summons to the meeting from other messages that have arrived; and giving a notification to a convener of the conference call when a new participant has been joined to the conference call.

It is, however, obvious to the ordinarily skilled artisans to believe that all messages coming in will be delivered to different folders or having different icons or having different forms of notification based on the header information. It is to let the receivers, whether in a conference call or not, know the differences and to response appropriately. Furthermore, conference call is created in a controlled environment where only certain members of a specific group (i.e., friends, beer, basketball, see fig. 1) are called to the conference. Most will come on time. Few will come late. It is so obvious that when new participant joins, in a very usual situation, a notification (i.e., acoustic sound) would indicate to the convener (if not all) that some one new is just join the call.

Therefore, it would have been obvious to one of ordinary skill in the art at the time to believe in a most logical way to believe that Kleier's system and method would be very capable of separating the received summons to the meeting from other messages that have arrived; and of giving a notification to the convener of the conference call when a new participant has been joined to the conference call.

Response to Arguments

Applicant's arguments with respect to claims 1-33 have been considered but are not persuasive to put the application in the condition for allowance.

Examiner notices that amendment has been made to address the matter of formality and statutory (e.g., claims/Specification, indefiniteness and 101). The substance of the claimed feature remains no change. There certainly is a shared interpretation of the prior art (Kleier) from applicant and the examiner. There is a wide difference in reading/interpreting the claims as it currently stands.

Examiner positions that applicant has not adequately described the distinctiveness of the claimed subject matter requiring no intervention from the network to set up a conference. Nor has the applicant described in a way that the claimed feature leaves room for no other interpretation but the intended one.

Examiner will continue to read the claim the way it is presented that the conference is automatically setup and participants automatically join the call.

The rationale for examiner's position is based on some of the case laws presented by the examiner previously. For the claimed subject matter, not the specification, is the measure of invention. Disclosure contained in the specification can

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not be read into the claims for the purpose of avoiding the prior art (In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687, 1986).

In other word, the features upon which applicant relies are not recited in the rejected claim (s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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